**Federal Civil Rights Requirements for a Language Instruction Educational Program (LIEP)**

**VDOE Brief for LIEP Instructional Staff**

**Direct Services Requirement**

All identified ELs at English proficiency levels 1.0-4.3 must receive direct language instruction educational program (LIEP) services unless the student has ‘opted-out’ including kindergarten ELs, ELs with disabilities, and ELs at higher proficiency levels. Direct services cannot be defined as:

* Consultation between the LIEP and classroom/content teachers with no direct LIEP services provided;
* Mainstreaming ELs into general education or content classrooms with no direct LIEP services provided.

[English Learner Toolkit Chapter 2](https://ncela.ed.gov/files/english_learner_toolkit/2-OELA_2017_language_assist_508C.pdf)

### **LIEP Teacher Qualifications**

LIEP services must be provided by qualified teachers. In Virginia, teachers must be certified and hold an ESL-endorsement. Non-certified and endorsed staff, such as tutors or paraprofessionals, cannot serve as the primary instructor providing LIEP services to ELs. Non-certified and endorsed staff can provide supplemental LIEP services that are in addition to primary LIEP instruction, but they must work under the auspices of a qualified LIEP teacher.

[English Learner Toolkit Chapter 3](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap3.pdf) e auspices of

### **Meaningful Communication with Parents**

* LEP parents must be notified annually of their student’s English proficiency level and placement in LIEP services (to the extent practicable, in a language they can understand) [[ESSA](https://www2.ed.gov/documents/essa-act-of-1965.pdf) Section 1111(3)(A)]
* LEP parents must be provided the same information as non-LEP parents
* LEAs are obligated to provide meaningful and adequate language assistance to LEP parents
* LEP parents and families must be provided family engagement opportunities so they can meaningfully participate in their student’s education

[English Learner Toolkit Chapter 10](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap10.pdf)h

### **Exiting the ELs**

In Virginia, **all** ELs exit the EL status solely by achieving a 4.4+ on the ACCESS for ELLs assessment including ‘opt-out’ ELs and ELs with disabilities. Students who have reached 4.4+ on the ACCESS for ELLs test must be exited from the EL status (formerly ELs).

### **Newcomer ELs**

ELs who receive separate instruction in Newcomer Programs should not be unnecessarily segregated from the school population or retained in Newcomer Programs longer than two semesters.

[Newcomer Toolkit](https://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/ncomertoolkit.pdf)

### **On-Time Graduation Opportunities**

* Place ELs in grade/age appropriate programs and services
* Allow ELs access to the same curriculum as all students
* Establish a four-year pathway to graduation for high-school aged ELs

[English Learner Toolkit Chapter 3](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap3.pdf)

### **Serving ELs with Disabilities**

* Special education services and LIEP services are separate categories of support for ELs with disabilities.
* **Special education services cannot substitute for LIEP services**.
* English proficiency or the EL status cannot be the basis for determining special education eligibility.
* The evaluation or IEP team must include a staff member with second language acquisition expertise.

Evaluations for suspected disabilities and the provision of special education and disability–related services to ELs cannot be delayed or exempted based on:

* EL status
* EL proficiency level.
* Time in the U.S.
* Time in LIEP services

[English Learner Toolkit Chapter 6](https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf)

**Language Instruction Educational Program (LIEP) Models in Virginia**

Instruction in English

* **Newcomer:**  Class is EL-only, ELs are “recently arrived” and at beginning levels of ELD.
* **ESL or ELD:** Class is EL-only, possibly by proficiency level(s). May include “pull-out” instructional time.
* **Content Classes with Integrated ESL:** Classes of ELs and non-ELs. May be a co-taught or “push-in” setting or an EL-only sheltered course.

# Instruction in English and primary language

* **Transitional Bilingual:** Initial instruction is provided in the primary language. Class is EL-only.
* **Dual Language:** Primary language and English are used to teach content. ELs are integrated with non-ELs.

**Professional Development for LIEP Instructional Staff**

Under the *Every Student Succeeds Act* of 2015 (ESSA), school divisions must provide sustained, effective professional development activities aligned with local needs to educators of ELs, administrators, and student support staff, to advance the knowledge-base and improve EL instructional strategies for increased EL academic achievement. In addition, LIEP teachers can provide crucial support to instructional staff through professional development and in-service workshops at the division and school levels.

**Advocacy for ELs:**

LIEP teachers can serve as valuable advocates in their school divisions to ensure that:

* A welcoming, inclusive environment is created for LEP families;
* The linguistic and cultural backgrounds of ELs are viewed as assets, not deficits, in the school community;
* ELs are provided meaningful and equitable access to the curriculum ;
* ELs and their families are provided equal opportunities to the same specialized programs and extracurricular activities provided to never-EL students and their families; and
* Policies, procedures, and programs/services are inclusive of the needs of ELs and their families.

**Collaboration Between LIEP and Classroom/Content Teachers**

Regardless of the LIEP model(s) utilized by a school division, it is essential that the LIEP and content/classroom teachers collaborate to effectively meet the needs of ELs. Collaboration also ensures that all instructional staff shares responsibility for EL academic success and meaningful participation in the school community. Collaboration between LIEP teachers and classroom/content teachers can take many forms such as:

* identifying realistic performance expectations for ELs at varying proficiency levels;
* analyzing the academic language demands of content areas;
* scaffolding lesson plans and units of instruction to simultaneously teach academic language and content;
* simplifying language in texts, written materials, and classroom assessments to increase EL comprehension;
* discussing effective instructional strategies for ELs;
* analyzing EL student data to identify areas of need;
* ensuring culturally responsive teaching practices to ensure the linguistic and cultural backgrounds of ELs are acknowledged and valued; and
* co-teaching in classrooms with ELs.